

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan K. Schaer
Application No. 10/805,738
Filed: March 22, 2004
Art Unit: 3742
Examiner: Quang T. Van

Title: Catheter Positioning System

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Commissioner for Patents
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August 17, 2007
(Date of Transmission)

William A. Schoneman, Reg. 38,047
(Name of applicant, assignee, or Registered Representative)

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(Signature)

August 17, 2007
(Date of Signature)

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
(37 CFR § 41.37)

This Reply is in response to the Notification of Non-Compliant Appeal Brief mailed April 27, 2007 and discussed with Examiner Van on August 16, 2007. In the Notification, Examiner Van found the Appeal Brief filed on January 2, 2007 as amended March 20, 2007 to be defective as not containing an improper concise explanation of the claimed subject matter. During a telephone conference, Examiner Van indicated that the Appeal Brief was actually defective for not having a Claims Appendix that indicated the status of the claims. Examiner Van indicated that this was the reason for the Notification dated April 27, 2007.

Applicant hereby resubmits an amended version of Section (v) of the Appeal Brief - Summary of the Claimed Subject Matter attached hereto as Appendix A in response to Section 4 of the Notification and submits an amended version of section (viii)

of the Appeal Brief - the Claims Appendix as Appendix B hereto in response to Examiner Van's telephonic request.

Additionally, Applicant hereby submits an executed copy of the Appeal Brief filed January 2, 2007 as amended by the above two amendments as Appendix C hereto.

A three-month extension of time is required for this Reply. For this extension of time and if any additional fee is required, the USPTO is hereby authorized to charge the Applicants' Deposit Account - Account Number 10-0750/ATR-15CON/WAS.

Applicant respectfully requests the USPTO to contact the undersigned by telephone at (732) 524-6656 if any deficiencies remain in the Appeal Brief as amended and resubmitted with this Reply. Consideration of the Appeal Brief as amended is hereby respectfully requested.

Respectfully submitted,

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Dated: August 17, 2007

Appendix A – Amended Section (v) of the Appeal Brief submitted January 2, 2007.

(v) Summary of Claimed Subject Matter

The presently claimed invention relates to a positioning system adapted to guide a medical device, preferably an ablation element, to a location where a pulmonary vein extends from an atrium. The positioning system includes a transeptal sheath **82** [¶0145-¶1048, FIGS. 6-8] inserted through an atrial septum that separates the right atrium from the left atrium in the heart. The system further includes a guiding introducer **10** [¶0063-¶0068, FIG. 1-3 and ¶145-147, FIGS. 6-7] slideably engaged within the transeptal sheath that has a preshaped distal portion adapted to direct the medical device (such as ablation element **110** [FIG. 7] toward the pulmonary vein. The positioning system also includes a torqueable and steerable deflectable catheter **94** [¶0146-¶0149, FIGS. 7-8] on which the medical device is disposed. A pullwire in the deflectable catheter deflects the distal end of the catheter so that the catheter and the medical device thereon can be advanced through the guiding introducer that is pre-shaped in order to direct the catheter toward and into the pulmonary vein [¶ 146-148, FIG.7]. In dependent claims 8-12, the ablation element comprises a microwave ablation element [¶0090], a cryogenic ablation element [¶0031], a thermal ablation element [¶0090], a light-emitting ablation element [¶0090] and an ultrasound transducer [¶0167] respectively.

APPENDIX B – Amended Section (viii) of the Appeal Brief

(viii) Claims Appendix

Claim 1 (previously amended): A positioning system for guiding a medical device to a location where a pulmonary vein extends from an atrium, comprising:

a transeptal sheath;

a guiding introducer slidable within the transeptal sheath;

a deflectable catheter having proximal and distal end portions, wherein the medical device is disposed along the distal end portion, and wherein the deflectable catheter is configured to be torquable and steerable; and

a pullwire integrated within the deflectable catheter that is adapted to deflect at least a portion of the distal end portion such that the deflectable catheter may be advanced through the guiding introducer wherein the guiding introducer is pre-shaped to direct the catheter towards the pulmonary vein and the catheter is further directed into the pulmonary vein by manipulation of the pullwire along the proximal end portion.

Claim 2 (original): The positioning system of claim 1, wherein the medical device further comprises an electrode element.

Claim 3 (original): The positioning system of claim 2, wherein the electrode element comprises a mapping electrode.

Claim 4 (original): The positioning system of claim 2, wherein the electrode element comprises an ablation electrode.

Claim 5 (original): The positioning system of claim 2, wherein the electrode element comprises both a mapping electrode and an ablation electrode.

Claim 6 (original): The positioning system of claim 2, wherein the electrode element is an RF ablation element.

Claim 7 (original): The positioning system of claim 1, wherein the medical device further comprises an ablation element.

Claim 8 (original): The positioning system of claim 6, wherein the ablation element comprises a microwave ablation element.

Claim 9 (original): The positioning system of claim 6, wherein the ablation element comprises a cryogenic ablation element.

Claim 10 (original): The positioning system of claim 6, wherein the ablation element comprises a thermal ablation element.

Claim 11 (original): The positioning system of claim 6, wherein the ablation element comprises a light-emitting ablation element.

Claim 12 (original): The positioning system of claim 6, wherein the ablation element comprises an ultrasound transducer.

Claim 13 (original): The positioning system of claim 6, wherein the ablation element is adapted to form a linear lesion.

Claim 14 (original): The positioning system of claim 6, wherein the ablation element is adapted to form a circumferential lesion.

Claim 15 (original): The positioning system of claim 14, wherein the ablation element is adapted to form the circumferential lesion at the location.

APPENDIX C – APPEAL BRIEF dated January 2, 2007 as amended March 20, 2007 and August 17, 2007